

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 25TH DAY OF MAY 1998

BEFORE

THE HON'BLE MR. JUSTICE R.V. RAVEENDRAN

H.R.R.P.No.644/1998

BETWEEN:

D.S.Parvathamma, major,  
d/o late Dukdle Shivarudrappa  
w/o R.K.Rudrappa,  
r/o No.16 (Western portion),  
5th cross, A.T.Extn.,  
Ramakrishnapuram,  
Bangalore-9.

.. Petitioner

(By Sri.K.S.Seetharam, Adv.)

AND:

A.Srinivasan, major,  
s/o late M.N.Adyappa Shetty,  
old No.16/1, New No.25,  
Annappa Temple Extn.,  
R.K.Puram, Bangalore.

.. Respondent

(By Sri.L.S.Venkatakrishna, Adv.)

This petition is filed u/s 50(1) of the  
KRC Act against the order dt.3-4-98 passed in  
HRC No.2669/88 on the file of the Judge, Court of  
Small Causes, Bangalore, dismissing I.A.17 filed  
u/o 26 R-9 of CPC.

This petition coming on for admission  
this day, the Court made the following:

.. ORDER..

O R D E R

This revision petition is filed by the respondent in HRC No.2669/88 on the file of the Court of Small Causes, Bangalore. The respondent herein filed the said petition against the petitioner herein under **Proviso** (a), (h) & (p) to Section 21(1) of the Karnataka Rent Control Act, 1961 ('Act' for short). In the said petition, after conclusion of the evidence, the petitioner herein made an application for appointment of the commissioner under Order 26 Rule 9 of C.P.C. The said application was rejected by the trial Court by order dated 3-4-1998. Feeling aggrieved, petitioner has filed this petition.

2. When the matter came up today, learned counsel for the petitioner and respondent submits that subsequent to the filing of this petition, the ✓  
eviction petition in HRC No.2669/88 has been allowed

RMR

on 16-4-1998. Learned counsel for the petitioner states that he has separately challenged the said order of eviction.

3. In view of the subsequent events, this petition does not survive for consideration and it has become infructuous. Petition is accordingly rejected.

Sd/-  
JUDGE